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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/494,799	01/31/2000	Rene Roberts	2002576-0001	3973
24280	7590	10/07/2005		
CHOATE, HALL & STEWART LLP TWO INTERNATIONAL PLACE BOSTON, MA 02110			EXAMINER WEISBERGER, RICHARD C	
			ART UNIT	PAPER NUMBER
			3624	

DATE MAILED: 10/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/494,799

Applicant(s)

ROBERTS, RENE

Examiner

Richard C. Weisberger

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 08162004. 6) ☐ Other:

Response to Amendment

The previous office action, responsive to the RCE, was inadvertently marked as FINAL. The FINAL status has been withdrawn.¹

Claim Rejections - 35 USC § 112

The applicant asserts that the one of ordinary skill in the art at the time of the filing of this application would understand the meaning of storing and updating information in real time to be synonymous with continuous updating of information. Moreover, the applicant asserts that no additional enablement is required by the specification as one skilled in the art at the time of the filing of the specification would also know how to implement a system comprising a processor programmed to store and update securities information in real time. The examiners accepts this admission as evidence that real time processing of data is an art recognized variable in the field of data processing available to those skilled in the art the time of the filing of this application. Accordingly, the rejection under this paragraph has been withdrawn.

¹ The applicant also requested a status confirmation of the rejection of 7/29/2003. The applicant's 1.131 declaration overcame this rejection.

Claim Rejections - 35 USC § 112

In view of the amendment to the claims and the remarks set forth by the applicant, the rejection under this paragraph has been withdrawn.

1. Claim Rejections - 35 USC § 103

Claims 1-24 are rejected under 35 U.S.C. 102(a) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Capital Access, "Capital Access Introduces Histran"² in view of applicant's admission.

The applicant's arguments directed to a data terminal "wherein a user may review simultaneously securities market data for a single security or bond obtained from said query that originates from a plurality of multiple sources" is misapplied. This language is not claim limiting, as it is optional.

The applicant's argument directed to the storage means for collecting data in "real time" is unpersuasive. The applicant admits that one of ordinary skill in the art at the time of the filing of this application would understand the meaning of storing and updating information in real time to be synonymous with continuous updating of information and that one skilled in the art at the time of the filing of the specification would also know how to implement a system comprising a processor programmed to store and update

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securities information in real time. It would have been obvious for one skilled in the art at the time to have combined the primary reference with the applicant's admission as motivated by the needs of research professionals supporting trading desks.

Respectfully Submitted

By, 

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10/1/09

² The rejection has been modified only with respect to the secondary reference. The secondary reference has been dropped based on the applicant's 1.131 affidavit.